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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/769,295	01/26/2001	Shingo Suzuki	108467	4830

25944 7590 02/28/2003

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EXAMINER

SAWHNEY, HARGOBIND S

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 02/28/2003

11

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/769,295

Applicant(s)

SUZUKI ET AL.

Examiner

Hargobind S Sawhney

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 8 is/are rejected.
- 7) ☐ Claim(s) 5-7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### DETAILED ACTION

1. The amendment filed on February 12, 2003 has been entered. Accordingly, Claim 8 has been amended.
2. The previous office action released as the Final Action dated November 13, 2002 has been withdrawn herewith.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abe et al. (U.S. Patent No. 5,857,761) in view of Suzuki (Japanese Patent No. JP 11-242222 A).

Regarding Claim 1, Abe et al. (U.S. Patent No. 5,857,761) discloses a spread illuminating apparatus (Figure 1) comprising:

- a transparent substrate 2 usable as a light source of a liquid crystal display (column 1, lines 10-13);

- a bar-like light source including elements 1-3 (Figure 1, column 5, lines 29 and 30) composed of a light conductive member 2,3 (Figure 1, column 5, line 28) made of a transparent material (Figure 1, column 5, lines 32-35), and positioned close to and along at least one end face 5 of the transparent substrate 4 (Figure 1, column 5, lines 52-57);
- the substrate 4 made of a light transmitting material (Figure 1, column 5, line 31);
- the spot-like light source 1 (Figure 1, column 5, line 27) inherently positioned on a electric wiring board ( not shown); and
- the light guiding member 2 guiding the light (Figure 1, column 5, lines 28 and 29) and being positioned between the end 3a of the light conductive member 3 and the spot-like light source 1 (Figure 1).

Although, Abe teaches a use of a transparent substrate as a flat light source for a LCD (column 1, lines 10-13), he specifically does not teach the LCD being a reflective-type LCD requiring positioning of the transparent substrate over its screen.

On the other hand, Suzuki (Japanese Patent No. JP 11-242222 A) teaches a transparent substrate 2 (Figure 1) made of a light transmissible material, and positioned over a screen of a reflection type liquid crystal display (LCD) 51 (Figure 1).

It would be have been obvious to one of ordinary skill in the art at the time of the invention to make use of the spread illuminating system of Abe by positioning the transparent substrate below the upper surface of the reflection-type LCD as taught by

Suzuki for the benefit and advantage of brightening the screen without being influenced by the brightness of the surrounding and with an efficient use of energy.

Regarding Claim 2, Abe further teaches the light guiding member 2 being formed integrally with the light conductive member 3 (Figure 1).

Regarding claims 3 and 4, Abe et al. (U.S. Patent No. 5,857,761) further teaches the light guiding member 2 (Figure 1, column 5, line 32) being an optical fiber.

However, neither combined nor independent teaching of Abe and Suzuki discloses a spread illuminating apparatus comprising a light guiding member separately formed from a light conductive member.

It would have been an obvious matter of design choice to modify the spread illumination apparatus comprising a light guiding member separately formed from a light conductive member instead of it being an integral with the light conductive member. Since the applicant has not disclosed that a separately formed light guiding member solves any problem or is for a particular reason. It appears that the claimed invention would perform equally well with a light guiding member separately formed from a light conductive member.

5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Abe et al. (U.S. Patent No. 5,857,761).

Abe et al. ('761) discloses a spread illuminating apparatus (Figure 1) having:

- a bar-like light source including elements 1-3 (Figure 1, column 5, lines 29 and 30) positioned in the vicinity of an end surface 5 of a transparent substrate 4 (Figure 1, column 5, lines 31 and 54);

- the substrate 4 made of a light transmitting material (Figure 1, column 5, line 31);
- the bar-like light source including elements 1-3 further comprising a light conductive member 3 made of a light transmitting material (Figure 1, column 5, lines 28 and 30), formed bar-like, and positioned closed to and along the end face 5 of the transparent substrate 4 (Figure 1);
- a spot-like light source 1 (Figure 1, column 5, line 27) facing the end of the light conductive member 3 (Figure 1);
- the light guiding member 2 guiding the light (Figure 1, column 5, lines 28 and 29) emitted by the spot-like light source 1, and being positioned between the end 3a of the light conductive member 3 and the spot-like light source 1 (Figure 1); and
- the light guiding member 2 being formed integrally with the light conductive member 3 (Figure 1).

Abe et al. ('761) teaches the light guide member being formed integrally with the light conductive member. However, Abe makes both the light guide member and light conductive member integral with a joint. Therefore, Abe does not teach the light guide member and light conductive member being formed from a one-piece member including no joint.

It would be have been obvious to one of ordinary skill in the art at the time of the invention to make the light guide member and light conductive member being formed from a one- piece member, since it has been held that forming in one piece an article which has formerly formed in two pieces and put together involves only routine skill in the art.

***Allowable Subject Matter***

6. Claim 5-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art of record, including Abe et al. (U.S. Patent No. 5,857,761) in view of Suzuki (Japanese Patent No. JP 11-242222 A), fails to show or suggest the applicant's invention as claimed. Specifically, the prior art of record does not disclose proper motivation for combining a light guiding member including a means for increasing reflection as recited in claims 5-7.

***Response to Amendment***

7. Applicant's arguments filed on February 10,2003 have been fully considered but they are not persuasive.

Applicant's arguments with respect to the 35 U.S.C. § 102(b) rejections of claim 8 has been considered but are moot in view of the new ground(s) of rejections.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kawaguchi et al. (US Patent No. 6,283,602 B1) discloses an assembly of a lighting device with a liquid crystal display comprising some of the features including a point light source, a bar-like light conductive unit, a transparent substrate and a LCD.

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

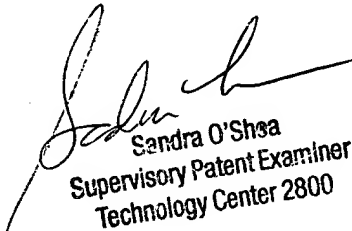


10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hargobind S Sawhney whose telephone number is 703-306-5909. The examiner can normally be reached on 6:15 - 2:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 703-305-4939. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9318 for regular communications and 703-872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2956.

HSS  
February 25, 2003



Sandra O'Shea  
Supervisory Patent Examiner  
Technology Center 2800